

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 5-33 and 37-42 are pending in this application. Claims 37-42 are new, support for which is found in the original claims. Claims 1-4 and 34-36 are canceled without prejudice. Claims 5-33 are withdrawn. No new matter is added.

In the outstanding Office Action, Claims 1, 2, 4 and 34-36 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; Claims 2 and 4 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which applicant regards as the invention; Claims 1-4 and 34 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 7,194,636 (Harrison); and Claims 35 and 36 were rejected under 35 U.S.C. §103(a) unpatentable over Harrison in view of U.S. Pat. No. 6,966,837 (Best).

As to the rejection of Claims 1, 2 and 34-36 under 35 U.S.C. §101, Claims 1, 2 and 34-36 are canceled without prejudice and rewritten as new Claim 37. New Claim 37 recites a method of a media verification system for identifying recording media using a data processing device, an electronic memory, and a media writing device for recording data to recording media. Thus, it is respectfully submitted new Claim 37 is directed towards statutory subject matter. In particular, Claim 37 is tied to a particular machine.¹ Therefore, it is respectfully submitted the rejection under 35 U.S.C. §101 should be withdrawn.

As to the rejection of Claim 4 under 35 U.S.C. §101, Claim 4 is canceled without prejudice and rewritten as new Claim 41. The Office Action rejected Claim 4 by stating Claim 4 recited nonfunctional descriptive material and was non-statutory under 35 U.S.C. §101. However, new Claim 41 recites a media verification system comprising a data

¹ See *In re Bilski*, 545 F.3d 943, 88 U.S.P.Q.2d 1385 (Fed. Cir 2008).

processing device, an electronic memory, and a media writing device for recording data to recording media. Thus, it is respectfully submitted new Claim 40 is directed towards statutory subject matter and the rejection under 35 U.S.C. §101 should be withdrawn.

Reconsideration of the rejection of Claim 2 under 35 U.S.C. §112, second paragraph, is respectfully requested in light of new Claim 37. New Claim 37 no longer recites the language stated as ambiguous in the Office Action in regard to Claim 2. In particular, the language “predetermined second data,” and “generating a second data,” are not present in new Claim 37. Therefore, it is respectfully submitted the rejection under 35 U.S.C. §112 should be withdrawn.

Reconsideration of the rejection of Claim 4 under 35 U.S.C. §112, second paragraph, is respectfully requested in light of new Claim 41. As commented above, Claim 4 is cancelled without prejudice and rewritten as new Claim 41. New Claim 41 does not recite “at said first means,” as originally recited in Claim 4. Therefore, it is believed the rejection under 35 U.S.C. §112 should be withdrawn.

The rejections in view of Harrison are respectfully traversed in view of new Claims 37-38. The Office Action states Harrison describes generating a plurality of identification data for identifying a plurality of recording media, the generating including generating a plurality of different signature data using secret key data as recited in the claims, citing Col. 5, l. 20-34 and Col. 5, l. 59 to Col. 6, l. 6. The Office Action, however, is silent as to which particular elements described in Harrison correspond to the features and elements recited in the claims.

As best understood with reference to Col. 5, l. 20-34 and Col. 5, l. 59 to Col. 6, l. 6 of Harrison, the Office Action appears to be referring to the use of a media identifier **17** in creating a digital signature **25**. Harrison describes using a hard-written unique media i.d. **17** (from which the signature **25** is generated) which is recorded on a non-copyable portion **14** of

the first CD 76.² If content recorded on the first CD 76 is then copied to a second CD 80, the hard-written unique media i.d. 17 of the first CD 76 is not copied over to the second CD 80 along with the content. Therefore, a reader of the second CD 80 can deny access to the content because the reader will not be able to locate a hard-written unique media i.d. 17 on the second CD 80, and thus verify the CD 80 because it was not copied over.

In particular, Harrison describes copying the content of the first CD 76 over to the second CD 80 regardless of whether the second CD 80 is verified or authorized. Verification and authorization of the copy is later performed by a reader, after the content has been copied. In contrast, new Claim 37 recites:

A method of a media verification system for identifying recording media, comprising:
generating a plurality of different signature data from secret key data and message data using a data processing device of the media verification system;
generating a plurality of different identification data using the data processing device, each of the plurality of different identification data including a generated signature data and a message data used in the generating of the generated signature data, and storing the plurality of different identification data in an electronic memory of the media verification system;
assigning one of the plurality of generated identification data to each of a plurality of different recording media;
recording one of the plurality of generated identification data to an assigned recording media using a media writing device of the media verification system;
generating verification data from the generated signature data of the identification data recorded on the assigned recording media using a public key;
comparing the verification data to the message data of the identification data recorded on the assigned recording media using the data processing device and verifying the identification data if the verification data is the same as the message data of the identification data recorded on the assigned recording media; and
writing an encrypted content to the assigned recording media using a media recording device if the assigned recording media is verified in the comparing, wherein the media recording device is configured to inhibit writing the encrypted content to a recording media having an unverified identification data or no identification data recorded thereon.

² See Harrison, Col. 6, l. 44-52.

As recited in Claim 37, content is written to an assigned recording media after the message data of the identification data is verified. If the identification data recorded on a recording media is unverified or no identification data is recorded on the recording media, then the writing device is configured to inhibit writing the encrypted content to such a recording media. Harrison does not describe this feature.

Although directed at different statutory classes, Claims 39 and 41 recite features similar to Claim 37 and thus share in the above-discussed distinctions over Harrison. The other cited reference Best fails to remedy any of the above-described deficiencies of Harrison. Therefore, it is respectfully submitted the rejections in view of Harrison and Best are overcome and Claims 37-42 are allowable over the cited references.

Moreover, Claim 38 recites:

The method according to Claim 37, further comprising:
generating an identification revocation list, wherein the identification revocation list includes identification data corresponding to an unauthorized recording media; and
recording the identification revocation list to the assigned recording media using the media writing device, wherein
the media recording device is further configured to inhibit writing the encrypted content to the assigned recording media if the identification data recorded on the assigned recording media is included in the identification revocation list.

The Office Action acknowledges Harrison fails to describe an identification revocation list, but relies on Best to render this feature obvious. However, Best merely describes a table of known invalid serial numbers found on illegally copied discs. In particular, Best merely describes checking the serial number when attempting to read the disc. Best fails to describe recording an identification revocation list to an assigned recording media, or inhibiting writing content to the assigned recording media if the identification data recorded on the assigned recording media is included in the identification revocation list. New Claims 40 and 42 depend from new Claims 39 and 41, respectively, and although directed at different statutory classes, new Claims 40 and 42 recite features similar to Claim

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38 and thus share in the above-discussed distinctions of Harrison in view of Best. Therefore, it is respectfully submitted new Claims 38, 40 and 42 are further allowable over Harrison in view of Best by virtue of the above-discussed feature.

Consequently, in view of the present amendment and in light of the above comments, the outstanding grounds for rejection are believed to have been overcome and the pending claims are believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

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